IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION NO. 2512 /2006 SINGLE BENCH

PETITIONER

Sayed Haider Ali Jafri s/o Sayed Mohd. Ali Jafri aged about 54 years r/o Dharampura-3, Jagdalpur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh –Through– The Collector Jagdalpur (C.G)
2. A.K.Vijayvargey, Transport Commissioner, Raipur (C.G) at present Information Commissioner, Raipur (C.G)
3. R.K.Vig, Deputy Transport Commissioner, Transport Commissioner Office, At present – DIG (CID), head quarter Raipur (C.G.)
4. R.P.Bagai, Transport Commissioner At present Chief Secretary , Raipur (C.G)
5. B.L.Dhruv, Regional Transport Officer, Jagdalpur (C.G), At Present Assistant Transport Commissioner Raipur (C.G)
6. Under Secretary, Transport Office, DKS Bhawan, Raipur (C.G)
7. Vijay Kumar Karvey, Assistant Transport Commissioner (Legal), Raipur (C.G)
8. Transport Commissioner, Bus Stand Premises, Raipur (C.G)

P.R. No. 206926 Presented by Shri A.K.Shrivastava dated 17/4/06

RECEIVED-COPY 17/4/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(67)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2512 सन् 06 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-5-2006 Shri A.R.K. Rao, counsel for the petitioner. Shri Ashutosh Kachchwaha, Govt. Advocate takes notice for the respondents No.1, 6 and 8. I have heard learned counsel for the petitioner on admission of this writ petition. In this writ petition, the petitioner has prayed for quashing the order for initiating departmental enquiry against the petitioner, directing the respondents to reinstate the petitioner and further directing the respondents to give the original seniority and consequential benefits. The petitioner's case is that the petitioner was working as LDC in the office of Regional Transport Authority, Jagdalpur since 1978. The petitioner was suspended on the ground that he caused revenue loss to the public exchequer on account of his irregularity and negligent activities, therefore, he was suspended vide order dated 19-4-2001. A charge sheet was issued on 13-9-2001 without enclosing documents. A criminal report was also lodged in the Police Station Jagdalpur on 11-3-2001 in which Police closed the case vide Khatma No.101/03. The petitioner repiled charge sheet and denied charges. The relevant documents were not provided in spite of request of the petitioner. The petitioner moved an appeal for revocation of the impugned order. The enquiry is not being decided. The enquiry officer has not allowed him to appoint his defence nominee. At the time of arguments, learned counsel for the petitioner limited his prayer to the extent that the petitioner is under suspension, enquiry is pending against him since 2001 and that is not being completed by	

[पीछे देखिये

(68)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

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Barve	enquiry officer, therefore, enquiry officer be directed to complete enquiry at the earliest after appointing defence nominee of the petitioner to which learned counsel for respondents No.1, 6 and 8 has no objection. Learned counsel for the petitioner further submitted that even departmental nominee has not been appointed so far. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, as enquiry is pending since 2001, 5 years time has elapsed and enquiry has not been completed for one or the other reason, in the circumstances, enquiry officer is directed to decide enquiry expeditiously by following procedure as envisaged under CCA Rules. The concerned department should appoint departmental nominee, if already not appointed so far, within a period of one month. If the enquiry officer has not accepted nomination made by the petitioner for defence nominee, then he should permit the petitioner to appoint his defence nominee in accordance with Rules and to decide enquiry within a period of 6 months in accordance with Rules. It is made clear that the petitioner is also required to extend all cooperation to the enquiry officer for expeditious disposal of the enquiry. With the direction aforesaid, the petition stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

[पीछे देखिये